

**TOWN OF WEARE  
PLANNING BOARD  
MEETING  
APRIL 22, 2010  
\*\*(FINAL COPY)\*\***

**PRESENT:** Chairman Craig Francisco; Frank Bolton, Vice Chairman; Neal Kurk, Secretary;  
George Malette; Chip Meany, Land Use Coordinator

**GUESTS:** Stephen Fifield, Jake Bronnenberg, Bruce Farr, Art Siciliano

**RECORDING SECRETARY:** Sheila Savaria

**I. CALL TO ORDER:**

Chairman Francisco called the meeting to order at 7:00 pm at the Weare Town Office Building.

**II. PUBLIC HEARINGS:**

Roger Hardy Construction LLC - Sub Division, 395 River Road, #412-037: After Art Siciliano, Land Surveyor, presented the board with plans of the sub division, Chairman Craig Francisco read a letter from Chief Begin which explained that he did not feel subdivision would adversely affect traffic. That letter was meant to clarify his letter from the last meeting on the same issue.

Chip Meany read a letter from the Board of Fire Wards (BOFW) that said lots 37 & 37.2 need 50' x 50' turnarounds, and lot 37.2 needs to be sprinkled. Lot 37.1 is okay and needs nothing. There was discussion as to whether these were simply recommendations from the BOFW. Mr. Kurk stated that he had a problem with these requirements made by the BOFW, both the turnaround and the sprinkler system, and he hopes they do not need to be included.

Mr. Siciliano informed the board that the Corp of Engineers, Public Service, and the Dam Bureau had been notified. The property line has been revised, which is shown on the new plan. The Army Corp easement has been labeled to lot 3.17. Other labels and titles on the plan have been changed, as requested. The plan Mr. Siciliano presented to the board is the one intended to be recorded, which shows the flood zone and the aquifer line.

Mr. Maeny noted that the three organizations who needed to be contacted were all sent letters, but he has not heard back from them. Chairman Francisco mentioned that the southerly driveway isn't being used, and Mr. Siciliano said he will update existing drives on the mylar.

There was a discussion between Frank Bolton and Mr. Siciliano about moving the lot line to the edge of the river and who owns the river. Mr. Siciliano said that it is a navigable river and the ownership is the edge, not to the center, and the state owns the river itself. There was also discussion about lot 37.1 having a flood zone and the Army Corp easement so close together, and if the wetland area has to be excluded from the acreage requirements. Neal Kurk read aloud the requirements on how to determine acreage, and Mr. Siciliano said that he still meets the required acreage.

Chairman Francisco feels the building setback line should be revised not to cross over the Army Corp easement, especially on the eastern corner of lot 37.1. Mr. Siciliano agreed to make that change. Chairman Francisco stated that the remaining issues are: Updating the driveways, building setback typical labeled so it's identifiable, and a note saying lots 37 and 37.1 are subject to the Army Corp easement.

George Malette asked if the Subsurface stamp was acceptable because it was his understanding that a Wetland Scientist stamp was needed. Chairman Francisco said that it was acceptable.

Neal Kurk made a motion to approve the Roger Hardy subdivision plan subject to the conditions listed by Chairman Francisco: 1. Updating driveways; 2. Labeling the building setback as typical some place; 3. Adding a note about the Army Corp easement and where it's recorded; 4. Mr. Siciliano volunteered to add NHDES subdivision number; 5. Remove building setback line inside the Army Corp easement). George Malette seconded the motion, all voted in favor.

Roger Hardy Construction LLC, Site Plan Review, South Side Colby Road, #412-170: Art Siciliano gave Mr. Meany written permission for him to represent Mr. Hardy. Art presented the site plan to the board, explaining that Roger Hardy owns the land, the property is zoned industrial, there are 10.12 acres total area, and the soil is gravel. He is proposing to construct a 50' x 150' building, with 5 units that will be rented out for commercial warehousing. There will also be an office in the building. The plans also show how the parking is laid out in the front of the building. Mr. Kurk asked what the setback from the road was, Mr. Siciliano measured his plan and said it was 105 feet. Mr. Kurk asked if the rest of the land be developed, or developable, and if there would be any limitations on the development? Mr. Siciliano said he wasn't sure if the rest would be developed, but it is developable, and there are no limitations. There was a question about traffic, and Mr. Siciliano said he wasn't sure what the impact of the traffic would be since he does not know what kind of businesses would be in the building yet. Mr. Kurk questioned if a larger space was needed for large trucks since it is an industrial space. Mr. Siciliano said there will be no loading docks, and Mr. Kurk feels that should be considered.

Chairman Francisco read aloud letters or comments from the community, listed is a brief description of each:

Comments from the police: Chief Begin feels it would not adversely affect traffic, and finds no concerns from a law enforcement perspective.

Comments from BOFW: It was voted to require that the building and/or the individual units have sprinklers installed for fire protection.

Comments from the Conservation Committee: Are there any jurisdictions of wetlands on the property within 25' of the property boundary? Mr. Siciliano replied that he would check that. Mr. Malette said if there is, a buffer line should be marked on the drawing.

Comments from Judy Rogers: The site will be loamed and seeded.

There was a question on requirements for an aquifer protection zone?

Mr. Malette feels that before any unit is occupied, they should appear before the board so they know what that use will be, especially since it is in an aquifer zone. Chairman Francisco agrees for several reasons, such as traffic, parking, and the aquifer. Mr. Siciliano says they don't have a problem with that.

Chairman Francisco asked Mr. Siciliano if he had read through the prohibited uses concerning the aquifer. Mr. Siciliano said he hadn't so Chairman Francisco read them aloud. Mr. Kurk notes the special exception and says it looks as though he needs approval for each of the businesses, and not just the building. Also, he wouldn't be

able to salt the driveway in the winter because it's a prohibited use. Chairman Francisco said that if you're in the aquifer protection area, you can't build a building unless you get a special exception from the Zoning Board.

Chairman Francisco believes they need to state the deficiencies on the application and continue. Also, he feels Mr. Siciliano needs to find out if its in the aquifer protection zone, and if it is, he needs to go to the ZBA.

Mr. Siciliano chose to withdraw his application, and will present the board with his decision in writing. He will go to the ZBA before he comes back to the Planning Board.

### **III:    OTHER BUSINESS:**

Bruce Farr, Request to remove stones from stone wall, Thorndike Road. Bruce Farr explained to the board that he wants take out about 10 feet more of his existing stone wall to allow large equipment to enter for logging. After logging is complete, Mr. Farr plans to put a gate where the wall was. Jake Bronnenberg, the logger who will be working at Mr. Farr's property, says the opening will be roughly 30 feet when he is finished, which will give good access for logging and harvesting the land.

There was question about who actually has authority to grant permission to move a stone wall, the Selectmen or the Planning Board? Neal Kurk discussed making a motion to approve, provided the Planning Board has the authority to do so. Mr. Meany will find out who the authority actually is.

Neal Kurk made a motion to approve Mr. Farr's request to remove no more than 10 feet of stone wall abutting Thorndike Street, opposite #127, on the south side of the existing barway, so that the total opening does not exceed 30 feet; Frank Bolton seconded.

Discussion: Mr. Kurk explained that what is being allowed is whatever is existing for an opening plus 10 feet.

Approval of Minutes: After several corrections by the board, Neal Kurk made a motion to accept the minutes as amended; Frank Bolton seconded, all voted in favor. George Malette abstained.

Other: Chip Meany discussed article 155a:2III with the board, regarding state fire codes. George Malette discussed the planning conference being held on the 8<sup>th</sup> of May.

Frank Bolton made a motion to adjourn at 8:45 pm; Neal Kurk seconded, all voted in favor.

Respectfully Submitted,

Sheila Savaria  
Minute Taker